

GOVERNMENT OF THE DISTRICT COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Memorandum 2001-03

TO: ALL DEPARTMENT AND AGENCY HEADS

ORIGINATOR: Anthony A. Williams, Mayor

SUBJECT: Policies on Outside Employment and Dual Compensation

Introduction

D.C. Code § 1-619.1 *et seq.* (1999 Repl.) provides that each employee of the District government must at all times maintain a high level of ethical conduct in connection with the performance of official duties. Such ethical conduct includes the avoidance of misconduct and conflicts of interest such as the one created by holding a “second job” which conflicts with the employee’s scheduled tour of duty with the District government, or engaging in outside employment where there is a conflict of interest.

The purpose of this memorandum is to remind employees of the regulations and policies about holding “second jobs” while working for the District of Columbia government. Specifically, employees are prohibited from holding second jobs where there is a conflict with their scheduled tour of duty or a conflict of interest as well as receiving dual compensation for a second government job.

Outside Employment (non-government)

A District government employee is prohibited from holding outside employment (non-government) where the employee performs the duties of the “second job” during the scheduled tour of duty of his or her District government position.

Outside Employment or Other Outside Activity – Conflicts of Interest

Chapter 18 of the DPM, Employee Conduct, specifies that a District employee may not engage in any outside employment or other outside activity that is not compatible with the full and proper discharge of the employee’s responsibilities as a government employee. The following is the text of § 1804.1 of the regulations:

1804.1 An employee may not engage in any outside employment or other activity which is not compatible with the full and proper discharge of his or her duties and

responsibilities as a government employee. Activities or actions which are not compatible with government employment include, but are not limited, to the following:

- (a) Engaging in outside employment, private business activity, or other interest which may interfere with the employee's ability to perform his or her job, or which may impair the efficient operation of the District of Columbia government;
- (b) Using government time or resources for other than official business, or government approved or sponsored activities; except that a District employee may spend a reasonable amount of government time and resources on such projects, reports, and studies as may be considered in aid of other government jurisdictions (local, state, or federal), provided the work so performed is within the scope of the individual's regular assignments as a District employee;
- (c) Ordering, directing, or requesting subordinate officers or employees to perform during regular working hours any personal services not related to official D.C. government functions and activities;
- (d) Maintaining financial or economic interest in or serving (with or without compensation) as an officer or director of an outside entity if there is any likelihood that such entity might be involved in an official government action or decision taken or recommended by the employee;
- (e) Engaging in any outside employment, private business activity, or interest which permits an employee, or others, to capitalize on his or her official title or position;
- (f) Divulging any official government information to any unauthorized person or in advance of the time prescribed for its authorized issuance, or otherwise making use of or permitting others to make use of information not available to the general public;
- (g) Engaging in any outside employment, private business activity, or other interest which might impair an employee's mental or physical capacity to such an extent that he or she can no longer carry out his or her duties and responsibilities as a government employee in a proper and efficient manner;
- (h) Serving in a representative capacity or as an agent or attorney for any outside entity involving any matter before the District of Columbia; or
- (i) Engaging in any outside employment, private business activity, or other interest which is in violation of federal or District law.

Dual Compensation – Holding a Second Government Job

Chapter 11B of the District Personnel Manual (DPM), Part II, Subpart 6 sets forth the compensation limitations contained in the Dual Compensation Act, 5 U.S. Code § 5533(a) on dual pay and dual employment for more than one government position.

Unless specifically authorized, a District government employee is prohibited from holding a second government position (either District or federal) where the employee would receive pay from both positions for more than an aggregate of 40 hours in any workweek. Exemptions and exceptions to the dual compensation regulations are listed in § 6.2 of Chapter 11B of the DPM, Part II, Subpart 6.

Compliance

Department and agency heads are responsible for ensuring compliance with the provisions on outside employment and dual compensation described in this memorandum, investigating any conduct that constitutes a violation of such provisions and reporting any incidents or violations to the appropriate authority/District officials.

Violations of the policies described herein may result in disciplinary action, including termination.